

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA

In re:

KEITH F LEVERETT

Bankruptcy No:
13-12014-BFK

Debtor(s),

NAVY FEDERAL CREDIT UNION

Chapter 7

Movant,

v.

KEITH F LEVERETT

DONALD F. KING, TRUSTEE

Respondents.

MOTION FOR RELIEF FROM STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT JUDGE:

The motion of Navy Federal Credit Union, by counsel, represents as follows:

1. On or about April 30, 2013, the debtor herein filed for relief under 11 U.S.C. 7 of the United States Bankruptcy Code.
2. Donald F. King has been appointed as Chapter 7 Trustee in this case.
3. This Court has jurisdiction pursuant to 28 U.S.C. Section 1334 and 11 U.S.C. Section 362. This is a core proceeding pursuant to 28 U.S.C. Section 157.

Jon M. Ahern, Esquire
State Bar Association No: 018218
Sykes, Bourdon, Ahern & Levy, P.C.
281 Independence Boulevard
Pembroke 1 Building, Fifth Floor
Virginia Beach, VA 23462
757-499-8971

4. Movant has a perfected and valid lien security interest in the property known as 5128 CHINOOK AVENUE, PENSACOLA, FL 32507 and hereinafter described as follows:

All that parcel of land in Escambia County, State of Florida, as more fully described in Deed Book 5320, Page 1152, ID#08-36-32-6100-180-001, being known and designated as Lot 18, Block A, Perdido Bay County Club Estates Unit 3 Phase 2, being a portion of Section 8, Township 3 South, Range 32 West, Escambia County, Florida, according to the Plat recorded in Plat Book 17, Page 50-50A, of the Public Records of said County.

5. Movant is the holder of a perfected security interest against the debtor in the principal sum as of May, 2013 of Fifty-Seven Thousand One Hundred Forty-Seven and 17/100 Dollars (\$57,147.17), plus interest, late charges, advances, legal fees and costs.

6. The account is currently in arrears for 3 monthly mortgage installments, with the post-petition reinstatement through May, 2013 being \$2,751.64 calculated as follows:

3 payments due for 3/1/13 - 5/1/13 @ \$576.98	\$1,730.94
accrued late charges	\$294.70
BK fees and costs	\$726.00
Grand Total	\$2,751.64

7. Movant believes and avers that there is no equity in said property since the total liens against the property will effectively exceed the value of the property.

8. Movant does not have or has not been offered adequate protection for its security interest in the collateral described above.

9. If Movant is not permitted to foreclose upon its security interest in said property, it will suffer irreparable injury, loss and damage.

WHEREFORE, Navy Federal Credit Union, prays that upon final hearing on this Motion, the stay of 11 U.S.C. Section 362 be terminated, that the stay of such grant of relief imposed pursuant to the provisions of Rule 4001(a)(3) of the Bankruptcy Rules be waived, and that it be allowed to foreclose on the subject property, and that it may have such further relief as the Court may deem proper.

NAVY FEDERAL CREDIT UNION

/s/ Jon M. Ahern
Jon M. Ahern
Of Counsel

Certificate of Mailing

I hereby certify that the foregoing Motion for Relief from Stay was forwarded electronically and/or mailed via U.S. Mail on this 6th day of May, 2013, to:

/s/ Jon M. Ahern
Jon M. Ahern

KEITH F LEVERETT
2336 Battery Hill Circle
Woodbridge, VA 22191

Robert R. Weed
7900 Sudley Road, Suite 409
Manassas, VA 20109

Donald F. King, Trustee
1775 Wiehle Avenue, Suite 400
Reston, VA 20190

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DONALD F. KING, TRUSTEE

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NOTICE OF MOTION FOR RELIEF FROM STAY
AND NOTICE OF HEARING

Navy Federal Credit Union, by and through its counsel, has filed papers with the court to grant relief from the automatic stay in the above captioned matter.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in this motion, or if you want the court to consider your views on the motion, you or your attorney must:

File with the court, at the address shown below, a written response explaining your position with the Court, and serve a copy on the movant's attorney at the address below. Unless a written response is filed and served within fourteen days period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the expiration of the fourteen day period.

Clerk of Court
United States Bankruptcy Court
200 South Washington
Alexandria, VA 22314

You must also mail a copy to the following:

Jon M. Ahern, Esquire
281 Independence Boulevard
Pembroke 1 Building, Fifth Floor
Virginia Beach, VA 23462

Donald F. King
1775 Wiehle Avenue, Suite 400
Reston, VA 20190

***Attend the preliminary hearing scheduled to be held on: May 29, 2013 at 9:30 A.M. in Courtroom III, 200 South Washington Street, 3rd Floor, Alexandria, VA 22314.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion for relief from stay and may enter an order granting that relief.

Date: May 6, 2013

NAVY FEDERAL CREDIT UNION

/s/ Jon M. Ahern
Jon M. Ahern
State Bar Association No: 018218
281 Independence Boulevard
Pembroke 1 Building, Fifth Floor
Virginia Beach, VA 23462
757-499-8971

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of May, 2013 either forwarded electronically and/or mailed a true copy of the foregoing Motion For Relief From Stay and Notice of Motion upon each party required to receive notice under Local Bankruptcy Rule 4001(a)-1(F)(1) as follows:

/s/ Jon M. Ahern
Jon M. Ahern

KEITH F LEVERETT
2336 Battery Hill Circle
Woodbridge, VA 22191

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